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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/632,934	08/01/2003	Kevin A. Zeisset	8049.0918	4999		
22852	7590	12/05/2007	EXAMINER			
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				DANNEMAN, PAUL		
ART UNIT		PAPER NUMBER				
3627						
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12/05/2007		PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/632,934	ZEISSET ET AL.	
	Examiner	Art Unit	
	Paul Danneman	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 August 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-57 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-57 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 01 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>25 Aug 2004 and 30 Jun 2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Status of Claims

1. This action is in response to the application filed on 1 August 2003.
2. Claims 1 through 57 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 15, 29, 43, and 57** are rejected under 35 U.S.C. 102(b) as being anticipated by Sansone et al, US 5,068,797 henceforth known as Sansone.

5. **Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

Claims 1, 15, 29, 43 and 57:

With regard to the limitations:

- ***Receiving delivery data from mail processors.***
- ***Determining routes for delivery using delivery data and business rules.***

- ***Assigning mail items to delivery carriers based on determined routes.***
- ***Transmitting mail item assignment information to mail processors.***

Sansone in at least Column 3, lines 5-8, Fig.6A, Fig.6B, Column 13, lines 50-67, and Column 14, lines 32-61 teaches a system for improving delivery efficiency by the evaluation of delivery routes, types of carriers, selecting routes and scheduling the carriers to deliver the mail and feeding back to the data center all the associated data allowing the main station to engage in short-term planning regarding resource utilization.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. **Claims 2-14, 16-28, 30-42, and 44-56** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al, US 5,068,797 henceforth known as Sansone.

Claims 2-10, 16-24, 30-38, and 45-53:

With regard to the limitations:

- ***Route determination includes processing active, planned and closed routes.***

- ***Route determination includes cost consideration information,***
 - ***Route delays due to weather,***
 - ***Route closures based on information from the delivery carriers.***
- ***Cost consideration includes contractual obligation to the delivery carriers.***
- ***Cost consideration includes determining a lowest cost service window.***
- ***Cost consideration includes delivery option information.***
- ***Delivery options include at least one of aircraft, trains, motor vehicles and ships.***

Sansone in at least Column 14, lines 32-58 discloses route determination of active, planned and closed routes with respect to the delivery options or carrier capability. Sansone does not disclose weather delays per se, however in at least Column 14, lines 58-61 discloses interrogating the data center as being useful in the event of an emergency that results in the loss or reduction of usability of one or more of the routes. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill in the art to determine that weather delays are one type of emergency. Sansone does not disclose contractual obligations per se. However, Sansone in at least Fig.6B, Column 14 lines 62-67 and Column 15, lines 1-10 discloses route and carrier optimization to reduce costs. Sansone in at least Column 17 further discloses employing data center information to adjust staff levels and transportation facilities, etc. Sansone in at least Column 18, lines 6-19 discloses the data center in communication with mailers can advise mailers and the Postal system on choice of carriers and routing to optimize mail batch deliveries. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill in the art that Sansone in adjusting staff levels and communicating with mailers and carriers is taking into account contractual obligations and fully discloses all the limitations of applicant's invention.

Claims 11-14, 25-28, 39-42, 44, and 54-56:

With regard to the following limitations:

- ***Creating an assignment manifest, in hardcopy and electronic form.***
- ***Transmitting the assignment manifest to at least one delivery carrier.***

- ***Tracking deliveries of mail items using a performance manager.***
- ***System utilizes a network for communication.***

Sansone in at least Column 3, lines 1-8, Column 4, lines 1-62, and Column 13, lines 33-49 discloses a station interconnected with a communications network link with the data center for exchanging manifest information, selecting carrier and routing of carriers, tracking deliveries to reduce expenses and sharing any expense reduction with the mailers by the way of extra discounts. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill in the art to conclude that Sansone meets or exceeds the inventor's limitation regarding the creation and communication of an assignment manifest to the appropriate carrier and tracking deliveries to measure performance.

Conclusion

9. Prior art considered but not used, but is relevant to this application:
 - Salvo et al. US 6,341,271 B1 teaches delays based on weather, costs, schedule, and quality issues.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Danneman whose telephone number is 571-270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627